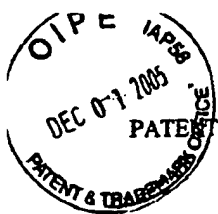


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ATTORNEY DOCKET NO. 114596-03-4000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 09/385,394 Confirmation No.: unassigned  
Appellant: John S. Yates, Jr., et al.  
Title: COMPUTER WITH TWO EXECUTION MODES  
Filed: August 30, 1999  
Art Unit: 2183  
Examiner: Richard Ellis  
  
Atty. Docket: 114596-03-4000  
Customer No. 38492

**RESPONSE TO OFFICE ACTION, OR IN THE ALTERNATIVE, APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*W.F.C.  
11/24*

In the event that the currently-pending Petition for Withdrawal of Finality is granted, Appellant hereby submits this paper as a request for reconsideration of the Office Action of 10/25/2005. If the Petition is granted, then the Notice of Appeal filed March 28, 2005 is nugatory.

In the event that all grounds petitioned, after full decision, are denied, then in the alternative, Appellant hereby submits this Appeal Brief in response to the Office Action of October 25, 2004, and new grounds raised in the Advisory Action of 2/14/05. In that event, kindly charge the fee for an Appeal Brief (\$500.00) to Deposit Account No. 23-2405, Order No. 114596-03-4000.

**INTRODUCTION**

This application is not in condition for appeal. Twice, the Examiner has played an aggressive game of "hide the ball," keeping his position secret until post-final advisory actions.

I certify that this correspondence, along with any documents referred to therein, is being deposited with the United States Postal Service on November 28, 2005 as First Class Mail in an envelope with sufficient postage addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*David E. Brody*

**BEST AVAILABLE COPY**

Response to Office Action or Appeal Brief  
This paper dated November 28, 2005

114596-03-4000

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